

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> Sergio Tomas De Dios Artechí, <p style="text-align: center;">Defendant.</p>	Case No. 18-CR-33(1) (SRN/HB) ORDER
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Katharine T. Buzicky, Office of the United States Attorney, 316 N. Robert St., Ste. 404, St. Paul, MN 55105, and Thomas Hollenhorst, Office of the United States Attorney, 300 S. 4th St., Ste. 600, Minneapolis, MN 55415, for the Government.

Sergio Tomas De Dios Artechí, Reg. No. 33255-171, FCI Thomson, P.O. Box 1002, Thomson, IL 61285, Pro Se.

SUSAN RICHARD NELSON, United States District Judge

This matter is before the Court on Sergio Tomas De Dios Artechí's July 8, 2024 letter, filed as his Pro Se Request to Review and Readdress the Status of His Case ("Request to Review") [Doc. No. 261]. While the Court grants his request to review and readdress his status, the Court finds that he is not entitled to relief. Accordingly, the Court denies his request to the extent he seeks compassionate release.

Mr. Artechí is serving a sentence of 120 months, following his conviction for aiding and abetting the distribution of methamphetamine. He has a projected release date of January 3, 2027. *See* Find an inmate, Fed. Bureau of Prisons, <https://www.bop.gov/inmateloc/> (last visited Nov. 4, 2024). Currently, he is serving his

sentence at FCI Thomson in Thomson, Illinois, following a transfer from USP Leavenworth in Leavenworth, Kansas. (*See United States v. Artech*, No. 18-cr-33(1), docket.)

Mr. Artech previously filed a letter [Doc. No. 257] with this Court in March 2024, in which he requested a reduction in sentence pursuant to Amendment 821. The Court denied his request, finding him ineligible for retroactive relief because neither of the amendments to the United States Sentencing Guidelines applied to him. (July 28, 2024 Order [Doc. No. 260].

In his current Request to Review, Mr. Artech asserts that at his prior Bureau of Prisons (“BOP”) facility, USP Leavenworth, the warden informed him that he had been granted compassionate release, with a release date of June 12, 2023. (Def.’s Request to Review at 1.) He seeks “to know why he still [is] incarcerated when [his] request was granted[.]” (*Id.*)

Pursuant to the First Step Act, a court may reduce a prisoner’s term of imprisonment, “after considering the factors set forth in section 3553(a) to the extent that they are applicable if it finds that . . . extraordinary and compelling reasons warrant such a reduction.” 18 U.S.C. § 3582(c)(1)(A). A defendant may only bring a motion for compassionate release “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.” *Id.*

The Court contacted the United States Probation Officer assigned to Mr. Artech's case to inquire about his request. BOP Staff at FCI Leavenworth informed the Probation Officer that on March 20, 2023, Mr. Artech requested compassionate release from the warden at FCI Leavenworth. The facility completed a medical review memo for the warden on March 31, 2023. FCI Leavenworth also advised Mr. Artech's Probation Officer that although they lack specific documentation, the warden denied Mr. Artech's request for compassionate release shortly thereafter.

Mr. Artech's Sentencing Monitoring Computation Data from the BOP's SENTRY system supports the facility's position that the warden denied his request for compassionate release.¹ First, the sentencing computation summary indicates that he is ineligible for First Step Act relief, stating "FSA ELIGIBILITY STATUS IS: INELIGIBLE." Second, it provides a release date of "1/3/2027 VIA GCT REL," with "GCT REL" referring to good conduct time as the basis for his release date, rather than another form of sentence reduction such as compassionate release. Finally, the SENTRY computation summary was last updated on August 25, 2022. If Mr. Artech had been granted compassionate release in March or April 2023, the sentence computation would have been updated at that time. Accordingly, to the extent Mr. Artech seeks compassionate release, his request is denied.

Based on the submissions and the entire file and proceedings herein, **IT IS HEREBY ORDERED** that

¹ Staff at FCI Thompson have advised that Mr. Artech may receive a printout of the SENTRY Sentencing Monitoring Computation Data upon request.

1. Defendant Sergio Tomas De Dios Artechí's Pro Se Request to Review and Readdress the Status of His Case [Doc. No. 261] is **GRANTED in part**, as to the request to review the status of his case, and **DENIED in part**, to the extent Mr. Artechí seeks compassionate release.

Dated: November 5, 2024

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge